NACHMAN & KAUFMAN, L.L.P.
ATTORNEYS AT LAW

July 18, 2002

By Facsimile (643-1466) and Mail
Deanna D. Cook, Esquire
Bremer, Janus, Cook & Marcus
Post Office Box 826
Richmond Virginia 23218

Re: Angela Smith v. Dean Smith
Case No.: JA-1445-01

Dear Ms. Cook:

Your assumption that the parties cannot afford to litigate this matter is incorrect. My client is prepared to litigate because of the unreasonable position Ms Smith has taken to date. He is willing to litigate this matter in order to promote the best interests of Stone.

With regard to your proposal:

1. This is not acceptable. Instead, we propose joint physical and legal custody of their son, Stone. The visitation schedule that you propose is also unacceptable. It offers nothing more than what a party out of physical custody would normally receive, in fact, it offers even less. Even a party who does not have physical custody would probably get two weeks during the summer. Also, you insinuation that Stone would not be safe in the company of Dean's mother is ridiculous. I do not know what your client has shared with you regarding dean's mother, but we are prepared to have Mrs. Smith's psychologist to testify or produce an Affidavit stating that it is perfectly acceptable for Stone to be in the company of is paternal grandmother.

2. This is not acceptable. Mr. Smith was not fired from his job. He was laid off from his job. He was making approximately $22,000.00 per year, not $29,000.00. Now that he is not working full time, he will be making less than $22,000.00. I think if we use a shared custody guideline for child support purposes, we need to calculate it on a more equitable visitation schedule and a more realistic calculation of their earnings. We have no objection to the parties equally splitting all extraordinary medical and dental expenses as defined by code that are not covered by insurance.

3. This is not acceptable. Dean has paid the mortgage payments for June and July, just as he has always paid them. Your client has made no effort whatsoever to live up to her responsibilities as far as the mortgage payments are concerned. The civil war relics which you describe have a fair market value around $15,000.00, not in excess of $20,000.00. All of these civil war relics were acquired by Dean before the marriage and we consider these his own personal, separate property apart from any claim of marital property. Mr. Smith demands that his coin collection be returned to him. The entire coin collection was acquired before marriage and is his personal and separate property. It has an approximate value of $5,000.0 and should be returned immediately.

4. We have no objection to each party keeping his/her own vehicle, and refinancing their respective lien into their own name, if this is possible.

5. I understand that neither party has any retirement, IRA's or other investment accounts. Each party may have some term life insurance. Each party should keep their own life insurance policies.

6. We have no objection. There needs to be an accounting of the parties former joint checking account.

Evidently, some overdraft chargers were incurred by your client after she knew the joint account had been closed. She bounced several checks, causing several charges.

7. We respectfully decline your offer. We understand that the Commonwealth's Attorney intends to nolle posequi the assault and batter charge, so we have no need for an Accord and Satisfaction. We would have been prepared to go to trial regardless.

8. We have no objection to the parties waiving their respective rights or reservations to spousal support.

9. If we are to reach an agreement, we do not object to each party being responsible for their own attorney's fees and costs. Since your client brought this action, I am going to reserve our rights to ask for attorney's fees and costs. I don't think it is more practical for me to draft any potential agreement, because this is only going to cost my client money since I will have to bill him for my time to prepare the agreement.

Regarding your request for a continuance of the August 8, 2002 date is concerned, I cannot agree to a continuance at this time. We feel that as long as your client is withholding visitation from Mr. Smith we cannot agree to any continuance. Offering a visitation schedule of every other weekend and, more recently, one day a week is not acceptable to us. Mr. Smith has just as much right to custody and visitation at this time as does Mrs. Smith. We feel that the visitation being offered now is a withholding of visitation. Mr. Smith could take custody of Stone and offer Mrs. Smith the same sort of visitation. He has not done so because it would be patently unfair and not in the best interest of Stone. Also, we understand that the Guardian Ad Litem, Ms. Deborah Tinsley, may be asking that an order be entered for the parties to undergo psychological and drug testing. We

are in agreement with the Guardian that such orders should be entered on August 8th.

Please consider our proposal of joint physical and legal custody and I would appreciate a response upon your return from vacation on July 29, 2002, certainly no later than August 4, 2002.

Thank you and I look forward to hearing from you soon.

Sincerely,

/s/

James M. Nachman

JMN:jls

CC: Dean Smith

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